

**Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels
and Fire Rehabilitation Actions**

**Agua Caliente Road Area AML Backfills
DOI-BLM-AZ-P020-011-CX**

A. Background

BLM Office: Lower Sonoran Field Office (LSFO)

Lease/Serial/Case File No.: NA

Proposed Action Title/Type: Agua Caliente Road Area AML Backfills

Location of Proposed Action: T2S, R6W, sections 28 and 29

Description of Proposed Action: BLM would backfill seven Abandoned Mine Land (AML) sites, consisting of a total of five open abandoned mine shafts, and three small settling ponds (eight total features), located on public lands south of Agua Caliente Road, near the Hargan and Buckeye Copper Mines. Backfilling the AML features would significantly improve public safety for recreational users of this area, as the associated physical safety hazards would be permanently eliminated. All the features would be backfilled with material from the adjacent waste rock dumps and, if necessary, additional earthen material would also be obtained from the immediate vicinity. The seven sites to be backfilled are:

<u>AMSCM identifier</u>	<u>Latitude</u>	<u>Longitude</u>	<u>UTM coordinates (NAD 83)</u>
AZ2S6W28006	33.224911	-112.870033	12S 325741E 3677780N
AZ2S6W28007	33.225478	-112.868894	12S 325849E 3677841N
AZ2S6W28009	33.231067	-112.868944	12S 325855E 3678460N
AZ2S6W28010	33.231042	-112.869286	12S 325823E 3678458N
AZ2S6W28011	33.230397	-112.870100	12S 325746E 3678388N
AZ2S6W29001	33.230003	-112.888100	12S 324068E 3678374N
AZ2S6W29003	33.229969	-112.885333	12S 324326E 3678366N

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: Lower Gila South Resource Management Plan Environmental Impact Statement (RMP/EIS) Date Approved/Amended: June 1988

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

The Lower Gila South Resource Management Plan Environmental Impact Statement (RMP/EIS), approved June 1988, states on page 12: "Private industry is encouraged to explore and develop federal minerals to satisfy national and local needs. This policy provides for economically and environmentally sound exploration, extraction, and reclamation practices. Public lands are open

and available for mineral exploration and development unless withdrawn or administratively restricted. Mineral development may occur along with other resource uses. *Locatable Minerals*. Exploration and development in the RMP/EIS area would continue to be administered in accordance with existing surface and mineral management regulations (43 CFR 3809 and CFR 3802).

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 Departmental Manual (DM) 11.9: Appendix 4, J (8) – Installation of minor devices to protect human life, (e.g., grates across mines), and, Appendix 4, J (10) -- Removal of structures and materials of no historical value, such as abandoned automobiles, fences, and buildings, including those built in trespass and reclamation of the site when little or no surface disturbance is involved.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 11.9 apply.

I considered the following when reviewing the proposed project:

- The act of backfilling the open mine shafts and settling ponds will have a positive effect on public health & safety, particularly given that the sites are located next to dirt roads easily accessible by any passenger or recreational vehicle.
- According to an LR2000 Mining Claim Geo Report run on May 31, 2012, there are 5 active mining claims in section 28, and none in section 29. The active claims in section 28 are all held by Global Resources LLC, who located the claims in February and May 2012. Global Resources sent BLM a letter, dated May 9, 2012, stating that:

“The purpose of this letter is to let it be known that Global Resources LLC, is not responsible for any pre-existing mines, adits, shafts, prospects, or any mining activity that was done in section 28, T.2S, R.6W prior to Global Resources LLC acquiring claims in this section.

This letter serves as notice as a hold harmless for Global Resources LLC.”

Therefore, BLM in effect has Global Resources’ consent to implement the Proposed Action.

- Cultural clearances have been completed for the sites. No cultural or historic features would be impacted by the proposed backfilling. Standard stipulations apply.
- No T&E habitat or species are present in this area, and there is no significant potential bat habitat on the sites to be backfilled, according to wildlife surveys completed by BLM biologists. The sites are in Category II desert tortoise habitat, and a monitor will be onsite to ensure that no individuals are affected by the reclamation work.

D: Signature

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects (see Attachment 1). Therefore, it is categorically excluded from further environmental review.*

Prepared by: _____/s/_____

**Matthew Plis
Project Lead**

Reviewed by: _____/s/_____

**Leah Baker
Planning & Environmental Coordinator**

Approved by: _____/s/_____

**Emily Garber
Field Manager**

Contact Person

For additional information concerning this CX review, contact: Mining Engineer Matt Plis, Phoenix District Office, 21605 N. 7th Avenue, Phoenix, Arizona 85027, 623-580-5500.

Note: A separate decision document (see Attachment 2) must be prepared for the action covered by the CX.

BLM Categorical Exclusions: Extraordinary Circumstances¹
Attachment 1

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:		
1. Have significant impacts on public health or safety		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The act of backfilling the open mine shafts and ponds will have a positive effect on public health & safety, particularly given that the sites are located next to dirt roads easily accessible by any passenger or recreational vehicle.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: There will be no impacts to the resources described above from the proposed reclamation work.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The environmental effects of the proposed reclamation work are not controversial. The Phoenix District has implemented several similar projects in recent years.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The environmental effects of the proposed reclamation work are predictable and well-known.
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: This reclamation work is not connected to another action, and it would not set a precedent for future actions.
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: There are no significant cumulative effects associated with this reclamation work.
7. Have significant impacts on properties listed or eligible for listing, on the		

¹ If an action has any of these impacts, you must conduct NEPA analysis.

National Register of Historic Places as determined by either the Bureau or office?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: An archaeological survey of the sites identified no significant cultural resources, and found that the proposed reclamation will not affect cultural resources or historic properties.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: A wildlife survey of the sites by BLM biologists found that they have no value for bats or other wildlife, and that there will be no significant impacts to T&E species or habitat.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The proposed reclamation work will not violate any Federal, State, local or tribal laws or regulations.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The proposed reclamation work will have no adverse effect on low income or minority populations.
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: There are no known Indian sacred sites in or near the Abandoned Mine Land sites to be reclaimed under the proposed action.
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The proposed reclamation work will not promote the growth of non-native invasive species.

Decision
Attachment 2

Project Description: BLM would backfill seven Abandoned Mine Land (AML) sites, consisting of a total of five open abandoned mine shafts, and three small settling ponds (eight total features), located on public lands south of Agua Caliente Road, near the Hargan and Buckeye Copper Mines. Backfilling the AML features would significantly improve public safety for recreational users of this area, as the associated physical safety hazards would be permanently eliminated. All the features would be backfilled with material from the adjacent waste rock dumps and, if necessary, additional earthen material would also be obtained from the immediate vicinity. The seven sites to be backfilled are:

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AZ2S6W29001	33.230003	-112.888100	12S 324068E 3678374N
AZ2S6W29003	33.229969	-112.885333	12S 324326E 3678366N

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Hassayampa Field Office, 21605 North 7th Avenue, Phoenix, AZ, 85027, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401

West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

Standards for Obtaining a Stay

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Approved By: _____/s/_____ Date: __06/14/2012_____
Emily Garber, Manager, Lower Sonoran Field Office

Attachment: Form 1842-1